



H/2
Pg. 1
Recd.
as
attch
6/1/03
5/15/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Michael P. DALLMEYER, <i>et al.</i>)	Confirmation No.: 4449
)	
Application No.: 09/820,888)	Group Art Unit: 3726
)	
Filed: March 30, 2001)	Examiner: I. Cuda-Rosenbaum
)	
For: METHOD OF CONNECTING)	
COMPONENTS OF A MODULAR FUEL)	
INJECTOR)	

RECEIVED
MAY 13 2003
TECHNOLOGY CENTER R3700

Commissioner for Patents
U.S. Patent & Trademark Office
2011 South Clark Place
Customer Window,
Mail Stop: Non-Fee Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

RESPONSE TO NOTICE OF NON-RESPONSIVE REPLY
UNDER 37 C.F.R. § 1.111

In response to the Notice of Non-Responsive Reply dated April 8, 2003 (Paper No. 11), for which the period of response extends through May 8, 2003, reconsideration is requested in view of the following remarks.

The Notice of Non-Responsive Reply dated April 8, 2003, has been reviewed and the comments of the U.S. Patent Office have been considered. No claim has been amended. Claims 1-9 remain pending and are submitted for reconsideration by the Examiner.

The Office Action asserts that Applicants are required to state: (1) which of the copending applications are considered particularly pertinent to the Application, and (2) if any applications disclose the use of an "orifice plate." Applicants respectfully submit that pursuant to 37 C.F.R. § 1.98(a)(3)(iii), there is no requirement to submit a concise statement of relevance unless the submitted documents are not in English. *See also, MPEP § 609* at page 600-122, 8th

ed., August 2001. The copending applications, as previously submitted on March 20, 2002, are in English and therefore, no statement of relevance is required.

In order to advance prosecution, however, Applicants respectfully submit the following statements in order to address the two requirements made by the Examiner regarding the copending applications cited on the Information Disclosure Statement filed March 20, 2002.

First, all of the copending applications cited on the Information Disclosure Statement filed March 20, 2002, are believed to be relevant because they are related by subject matter to a construction of a modular type fuel injector having a power group subassembly and a fuel group subassembly.

Second, Applicants respectfully note that each of the following applications discloses the use of an orifice plate in the respective specification:

S.N. 09/664,075	SOLENOID ACTUATED FUEL INJECTOR	Michael J. HORNBY	Atty Docket No. 051252-5086	Filed 09/18/00
S.N. 09/492,791	BALL VALVE FUEL INJECTOR	Michael J. HORNBY	Atty Docket No. 051252-5011-02	Filed 12/23/97
S.N. 09/492,143	FUEL INJECTOR ARMATURE WITH A SPHERICAL VALVE SEAL	Michael J. HORNBY	Atty Docket No. 051252-5056	Filed 12/23/97 (CIP 2/27/00)
S.N. 09/750,014	MODULAR FUEL INJECTOR HAVING A TERMINAL CONNECTOR INTERCONNECTING AN ELECTROMAGNETIC ACTUATOR WITH A PRE-BENT ELECTRICAL TERMINAL	Michael P. DALLMEYER Michael J. HORNBY	Atty Docket No. 051252-5182	Filed 12/29/00
S.N. 09/750,020	MODULAR FUEL INJECTOR HAVING AN INTEGRAL FILTER AND O-RING RETAINER	Michael P. DALLMEYER Robert MCFARLAND	Atty Docket No. 051252-5164	Filed 12/29/00
S.N. 09/750,023	MODULAR FUEL INJECTOR HAVING A SURFACE TREATMENT ON AN IMPACT SURFACE OF AN ELECTROMAGNETIC ACTUATOR AND HAVING A LIFT SET SLEEVE	Michael P. DALLMEYER Robert MCFARLAND Bryan HALL Ross WOOD	Atty Docket No. 051252-5181	Filed 12/29/00
S.N. 09/750,032	MODULAR FUEL INJECTOR HAVING A LIFT SET SLEEVE	Michael P. DALLMEYER Robert MCFARLAND	Atty Docket No. 051252-5176	Filed 12/29/00

S.N. 09/750,034	MODULAR FUEL INJECTOR HAVING INTERCHANGEABLE ARMATURE ASSEMBLIES AND HAVING A TERMINAL CONNECTOR INTERCONNECTING AN ELECTROMAGNETIC ACTUATOR WITH AN ELECTRICAL TERMINAL	Michael P. DALLMEYER Michael J. HORNBY Robert MCFARLAND	Atty Docket No. 051252-5183	Filed 12/29/00
S.N. 09/750,183	MODULAR FUEL INJECTOR HAVING AN INTEGRAL FILTER AND DYNAMIC ADJUSTMENT ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND	Atty Docket No. 051252-5170	Filed 12/29/00
S.N. 09/750,190	MODULAR FUEL INJECTOR HAVING A SURFACE TREATMENT ON AN IMPACT SURFACE OF AN ELECTROMAGNETIC ACTUATOR AND HAVING AN INTEGRAL FILTER AND O-RING RETAINER ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND Bryan HALL Ross WOOD	Atty Docket No. 051252-5169	Filed 12/29/00
S.N. 09/750,277	MODULAR FUEL INJECTOR HAVING AN INTEGRAL OR INTERCHANGEABLE INLET TUBE AND HAVING AN INTEGRAL FILTER AND DYNAMIC ADJUSTMENT ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND	Atty Docket No. 051252-5174	Filed 12/29/00
S.N. 09/750,278	MODULAR FUEL INJECTOR HAVING A LOW MASS, HIGH EFFICIENCY ELECTROMAGNETIC ACTUATOR AND HAVING AN INTEGRAL FILTER AND DYNAMIC ADJUSTMENT ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND James Robert PARISH Dennis BULGATZ	Atty Docket No. 051252-5173	Filed 12/29/00
S.N. 09/750,323	MODULAR FUEL INJECTOR HAVING A LOW MASS, HIGH EFFICIENCY ELECTROMAGNETIC ACTUATOR AND HAVING A TERMINAL CONNECTOR INTERCONNECTING AN ELECTROMAGNETIC ACTUATOR WITH AN ELECTRICAL TERMINAL	Michael P. DALLMEYER Michael J. HORNBY James Robert PARISH	Atty Docket No. 051252-5185	Filed 12/29/00
S.N. 09/750,324	MODULAR FUEL INJECTOR HAVING A SNAP-ON ORIFICE DISK RETAINER AND HAVING AN INTEGRAL FILTER AND DYNAMIC ADJUSTMENT ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND	Atty Docket No. 051252-5172	Filed 12/29/00

S.N. 09/750,325	MODULAR FUEL INJECTOR HAVING A LOW MASS, HIGH EFFICIENCY ELECTROMAGNETIC ACTUATOR AND HAVING A LIFT SET SLEEVE	Michael P. DALLMEYER Robert MCFARLAND James Robert PARISH Dennis BULGATZ	Atty Docket No. 051252-5179	Filed 12/29/00
S.N. 09/233,714	MODULAR TWO PART FUEL INJECTOR	Philip A. KUMMER	Atty Docket No. 051252-5061-01	Filed 1/19/99
S.N. 09/750,326	MODULAR FUEL INJECTOR HAVING A SURFACE TREATMENT ON AN IMPACT SURFACE OF AN ELECTROMAGNETIC ACTUATOR AND HAVING A TERMINAL CONNECTOR INTERCONNECTING AN ELECTROMAGNETIC ACTUATOR WITH AN ELECTRICAL TERMINAL	Michael P. DALLMEYER Michael HORNBY Bryan HALL Ross WOOD	Atty Docket No. 051252-5187	Filed 12/29/00
S.N. 09/750,327	MODULAR FUEL INJECTOR HAVING AN INTEGRAL OR INTERCHANGEABLE INLET TUBE AND HAVING A TERMINAL CONNECTOR INTERCONNECTING AN ELECTROMAGNETIC ACTUATOR WITH AN ELECTRICAL TERMINAL	Michael P. DALLMEYER Michael HORNBY Robert MCFARLAND	Atty Docket No. 051252-5186	Filed 12/29/00
S.N. 09/750,328	MODULAR FUEL INJECTOR HAVING A LOW MASS, HIGH EFFICIENCY ELECTROMAGNETIC ACTUATOR AND HAVING AN INTEGRAL FILTER AND O-RING RETAINER ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND James Robert PARISH Dennis BULGATZ	Atty Docket No. 051252-5167	Filed 12/29/00
S.N. 09/750,325	MODULAR FUEL INJECTOR HAVING AN INTEGRAL OR INTERCHANGEABLE INLET TUBE AND HAVING AN INTEGRAL FILTER AND O-RING RETAINER ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND	Atty Docket No. 051252-5168	Filed 12/29/00
S.N. 09/750,330	MODULAR FUEL INJECTOR HAVING INTERCHANGEABLE ARMATURE ASSEMBLIES AND HAVING AN INTEGRAL FILTER AND O-RING RETAINER ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND Michael HORNBY	Atty Docket No. 051252-5165	Filed 12/29/00
S.N. 09/750,331	MODULAR FUEL INJECTOR HAVING INTERCHANGEABLE ARMATURE ASSEMBLIES AND HAVING AN INTEGRAL FILTER AND DYNAMIC ADJUSTMENT ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND Michael J. HORNBY	Atty Docket No. 051252-5171	Filed 12/29/00

S.N. 09/750,332	MODULAR FUEL INJECTOR HAVING A SNAP-ON ORIFICE DISK RETAINER AND HAVING A TERMINAL CONNECTOR INTERCONNECTING AN ELECTROMAGNETIC ACTUATOR WITH AN ELECTRICAL TERMINAL	Michael P. DALLMEYER Michael J. HORNBY Robert MCFARLAND	Atty Docket No. 051252-5184	Filed 12/29/00
S.N. 09/750,333	MODULAR FUEL INJECTOR HAVING A SNAP-ON ORIFICE DISK RETAINER AND HAVING AN INTEGRAL FILTER AND O-RING RETAINER ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND	Atty Docket No. 051252-5166	Filed 12/29/00
S.N. 09/750,337	MODULAR FUEL INJECTOR HAVING A SNAP-ON ORIFICE DISK RETAINER AND HAVING A LIFT SET SLEEVE	Michael P. DALLMEYER Robert MCFARLAND	Atty Docket No. 051252-5178	Filed 12/29/00
S.N. 09/750,335	MODULAR FUEL INJECTOR HAVING AN INTEGRAL OR INTERCHANGEABLE INLET TUBE AND HAVING A LIFT SET SLEEVE	Michael P. DALLMEYER Robert MCFARLAND	Atty Docket No. 051252-5180	Filed 12/29/00
S.N. 09/750,336	MODULAR FUEL INJECTOR HAVING A SURFACE TREATMENT ON AN IMPACT SURFACE OF AN ELECTROMAGNETIC ACTUATOR AND HAVING AN INTEGRAL FILTER AND DYNAMIC ADJUSTMENT ASSEMBLY	Michael P. DALLMEYER Robert MCFARLAND Bryan HALL Ross WOOD	Atty Docket No. 051252-5175	Filed 12/29/00
S.N. 09/750,337	MODULAR FUEL INJECTOR HAVING INTERCHANGEABLE ARMATURE ASSEMBLIES AND HAVING A LIFT SET SLEEVE	Michael P. DALLMEYER Robert MCFARLAND Michael HORNBY	Atty Docket No. 051252-5177	Filed 12/29/00
S.N. 09/785,495	METHOD OF MAKING A SOLENOID ACTUATED FUEL INJECTOR	Philip A. KUMMER	Atty Docket No. 051252-5061-02	Filed 1/19/99 (CPA 2/20/01; RCE 11/15/01)
S.N. 09/820,657	METHODS OF SETTING ARMATURE LIFT IN A MODULAR FUEL INJECTOR	Michael P. DALLMEYER Michael HORNBY	Atty Docket No. 051252-5191	Filed 03/30/01
S.N. 09/820,672	METHOD OF MANUFACTURING A MODULAR FUEL INJECTOR	Michael P. DALLMEYER Robert MCFARLAND Michael HORNBY	Atty Docket No. 051252-5189	Filed 03/30/01
S.N. 09/820,768	METHOD OF FABRICATING AND TESTING A MODULAR FUEL INJECTOR	Michael P. DALLMEYER Robert MCFARLAND Michael HORNBY	Atty Docket No. 051252-5190	Filed 03/30/01
S.N. 09/820,887	METHOD OF FABRICATING A MODULAR FUEL INJECTOR	Michael P. DALLMEYER Robert MCFARLAND Michael HORNBY	Atty Docket No. 051252-5188	Filed 03/30/01
S.N. 09/828,487	MODULAR FUEL INJECTOR AND METHOD OF ASSEMBLING THE MODULAR FUEL INJECTOR	Michael HORNBY Michael P. DALLMEYER	Atty Docket No. 051252-5089	Filed 04/09/01

Furthermore, Applicants respectfully note that each of the following applications has at least one claim reciting an orifice plate: S.N. 09/750,324; S.N. 09/750,332; S.N. 09/750,333; and S.N. 09/750,334. A courtesy copy of each of these applications is attached for the convenience of the Examiner.

Accordingly, Applicants respectfully submit that the requirements imposed by the Office Action have been addressed as stated above and accordingly, the indication of non-responsiveness should be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the reconsideration, reexamination of this Application and the prompt allowance of pending claims 1-9. Applicants invite the Examiner to contact Applicants' undersigned representative if there are any issues that can be resolved via telephone conference.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: 08 May 2003

By: _____



Khoi Q. Ta
Reg. No. 47,300

Customer No. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel.: 202.739.5217
Fax: 202.739.3001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael P. DALLMEYER, *et al.*

Application No.: 09/820,888

Filed: March 30, 2001

For: METHOD OF CONNECTING
COMPONENTS OF A MODULAR FUEL
INJECTOR

Confirmation No.: 4449

Group Art Unit: 3726

Examiner: I. Cuda-Rosenbaum

Commissioner for Patents
U.S. Patent & Trademark Office
2011 South Clark Place
Customer Window,
Mail Stop: Non-Fee Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

RECEIVED
MAY 13 2003
TECHNOLOGY CENTER R3700

Sir:

AMENDMENT UNDER 37 C.F.R. § 1.111
TRANSMITTAL FORM

1. Transmitted herewith is a Response and Request for Reconsideration under 37 C.F.R. § 1.111 responding to the Notice of Non-Responsive Reply dated March 8, 2003.
2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☒ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Request for Approval of Drawing Revisions

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Small Entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

Extension of time fee due with this request: \$

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	9	minus	20		x \$18 each =	+
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$84 each =	+ \$
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						\$
TOTAL FEE =						\$


6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ Please charge Deposit Amount No. 50-0310 the total amount of \$ _____ (\$ _____ for _____). The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:


Khoi Q. Ta
Reg. No. 47,300

Dated: May 08, 2003

Customer No.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202.739.3000
Fax: 202.739.3001